

§ 551.46

§ 551.46 Who must comply with this subpart and when?

(a) All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment (hereinafter referred to as “foreign manufacturers”) must comply with this subpart before offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

(b) Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States.

§ 551.47 Who may serve as an agent for a foreign manufacturer?

Only an individual, a domestic firm or a domestic corporation that is a permanent resident of the United States may serve as an agent under this subpart.

§ 551.48 May an official of a foreign manufacturer serve as its agent?

(a) Generally no; an agent must be a permanent resident of the United States. Typically officials of foreign manufacturers and importers are not United States residents.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

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§ 551.49 May a foreign manufacturer replace its agent?

(a) Yes, a foreign manufacturer may replace its agent in the same way it originally designated the agent. It must submit designation documents that meet the form and content requirements identified in the following section of this subpart. Until NHTSA receives designation documents meeting those requirements or a letter withdrawing an existing designation, the individual or domestic corporation originally designated will continue to serve as its agent for service of process.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

§ 551.50 May more than one foreign manufacturer designate the same person as agent?

Yes, any number of foreign manufacturers separately may designate the same person as agent.

§ 551.51 May an agent assign performance of its functions to another individual or entity?

No, an agent may not assign performance of its functions.

§ 551.52 How long will a foreign manufacturer’s designation of agent remain in effect?

(a) A designation of agent remains in effect until replaced or withdrawn by a foreign manufacturer.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

FORM AND CONTENTS OF DESIGNATION

§ 551.53 What is the required format for a designation?

(a) All documents submitted under this subpart must be:

- (1) Original documents;